

REMARKS

Claims 1 and 3-13 are pending in the application.

The Examiner rejected claims 1 and 3-13 under 35 U.S.C. § 102(e) as being anticipated by Ficco U.S. Patent Publication No. 2005/0166224 (hereinafter "Ficco"). Applicants respectfully disagree.

Applicants provide the following remarks. First, the Ficco reference claims priority to U.S. Patent Application No. 09/533,842, which was filed on March 23, 2000. This is only two weeks before the priority date of the present application – i.e., April 7, 2000. Applicants are submitting herewith a partial copy of a technical presentation associated with the present invention illustrating the overall invention design having a date at least prior to March 23, 2000. Applicants are also submitting herewith a Declaration under 37 C.F.R. § 1.131 by the inventors confirming that the invention was conceived and reduced to practice at least prior to March 23, 2000. The evidence submitted is considered sufficient to antedate the Ficco patent application. Because of this, the Ficco patent application cannot be properly considered a prior art reference against this application. Accordingly, applicants request that the Examiner withdraw the rejection of claims 1 and 3-13 based on the Ficco patent application.

In addition, applicants respectfully submit that the Ficco patent application does not show or suggest the feature of "applying a plurality of expert rules to said user profile data and said advertisement template, in order to get, from a plurality of media segments including video segments and audio segments in a database, appropriate media segments for insertion into said plurality of media segment slots in said advertisement template" as defined by applicants' independent claims. Instead, the ad segments of Ficco each have "an associated index value."

This permits a multiplexer to select “the ad segment most appropriate to a particular ad selection factor.” (See, e.g., Ficco, paragraph [0036].) Unlike applicants’ independent claims, the ad segments of Ficco are not selected by applying expert rules to both user profile data and the advertising template. In fact, the Ficco patent application is concerned with replacing a portion of a broadcast advertisement by generating an ad selection factor, which is then used to select a replacement ad segment based on its associated index value.

Applicants also respectfully submit that the Ficco patent application does not show or suggest “assembling said personalized advertisement . . . without any interaction by said intended audience.” Instead, the Ficco patent application includes a “user interface 65 [that] permits a user to enter data, selections, or other inputs that may affect the ad selection factor.” Based on user input and other criteria, an ad selection factor is generated. (See, e.g., Ficco, paragraphs [0025] through [0026].) The Ficco patent application clearly does not assemble a personalized advertisement “without interaction by said intended audience,” as required by applicants’ independent claims.

In view of the foregoing, applicants respectfully submit that all of applicants’ claims are allowable over Ficco. Therefore, applicants respectfully request that the rejection of the claims be withdrawn by the Examiner.

Accordingly, applicants respectfully submit that claims 1 and 3-13 are allowable.

Conclusion

The foregoing demonstrates that claims 1 and 3-13 are patentable. This application is therefore in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

Date: April 17, 2007


Philip R. Pohn
Registration No. 51,176
Attorney for Applicants

Wilmer Cutler Pickering
Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Tel. 212-230-8800
Fax. 212-230-8888
Customer No. 28089